

Application for Special Permit

Pursuant to Zoning Bylaw Section 3.9.7.1 (2)

**31 Hale Road
Stow, MA 01775**

Applicant: **Winona Wall
31 Hale Road
Stow, MA 01775**

Record Owner: **Winona Wall
31 Hale Road
Stow, MA 01775**

**October 31st, 2023
7781**

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Special Permit Application
31 Hale Road
Stow, MA

October 31st, 2023
Winona Wall

1.0 Application & Copy of Filing Fee



TOWN OF STOW ZONING BOARD OF APPEALS APPLICATION FOR:

- ☐ SPECIAL PERMIT
☐ DIMENSIONAL VARIANCE
☐ SIGN VARIANCE
☐ APPEAL of DECISION OF BUILDING INSPECTOR/ZONING ENFORCEMENT OFFICER/SIGN OFFICER

File one (1) copy of the Application (including plans and reports as required by the Rules and Regulations), folded to fit neatly within a legal sized file folder, to the Town Clerk.

Received and Filed with Town Clerk

Date

Stow Town Clerk

File ten (10) copies of the Application (including plans and reports as required by the Rules and Regulations), folded to fit neatly within a legal sized file folder, to the Zoning Board of Appeals along with an Application fee payable to "Town of Stow" in the amount required by the Rules and Regulations. Refer to the Rules and Regulations for details on the information required.

APPLICANT'S NAME Winona Wall	PHONE # 339-203-1632 EMAIL: winonawall@comcast.net
MAILING ADDRESS: 31 Hale Road - Stow, MA 01775	
LOCATION AND STREET ADDRESS OF SITE 31 Hale Road - Stow, MA 01775	
AREA OF SITE <u>20,000</u> sq. ft./acres	FRONTAGE _____ linear feet
ZONING DISTRICT Residential	TOWN OF STOW ASSESSOR'S MAP Number(s) <u>U-5</u> Parcel Number(s) <u>15A</u>
SOUTH MIDDLESEX REGISTRY OF DEEDS BOOK AND PAGE NO.(s): <u>Bk: 80454 Pg: 187</u> or LAND COURT CERTIFICATE OF TITLE NO.(s): _____	
PROPERTY OWNER(S) NAME Winona Wall	PHONE NO. <u>339-203-1632</u> EMAIL <u>winonawall@comcast.net</u>
APPLICATION FEE MADE PAYABLE TO TOWN OF STOW	\$250.00 PLUS \$2.00 FOR EACH LISTED ABUTTER \$ <u>260.00</u>

TYPE OF APPLICATION

<input checked="" type="checkbox"/> Special Permit	Check the appropriate box below
	<input type="checkbox"/> Section 3.2.2 of the Zoning Bylaw (Residential District Use)
	<input type="checkbox"/> Section 3.3.3 of the Zoning Bylaw (Business District Use)
	<input checked="" type="checkbox"/> Section 3.9 of the Zoning Bylaw (Non-Conforming Use or Structure) (attach copy of form Appendix 7 for non-conforming vacant lots)
	<input type="checkbox"/> Section 4.1.3 of the Zoning Bylaw (Two or more dwelling houses)
	<input type="checkbox"/> Section 4.1.4 of the Zoning Bylaw (Floodplain)
	<input type="checkbox"/> Section 4.1.6 of the Zoning Bylaw (Single Family dwelling on non-conforming lot in single ownership)
	<input type="checkbox"/> Section 4.4 of the Zoning Bylaw (Table of Dimensional Requirements) for expansion of an existing non-conformity.
	<input type="checkbox"/> Section 5.1.1.7 of the Zoning Bylaw (Floodplain Overlay District – Mapping Error)
	<input type="checkbox"/> Other

<input type="checkbox"/> Variance (Section 4.4 (Dimensional Requirements) of the Zoning Bylaw)	Required Setback – Current Zoning Bylaw		Existing Setback	Proposed Setback	Variance Requested
	Front yard	_____ feet	_____ feet	_____ feet	_____ feet
	Side Yard	_____ feet	_____ feet	_____ feet	_____ feet
	Side Yard	_____ feet	_____ feet	_____ feet	_____ feet
	Rear Yard	_____ feet	_____ feet	_____ feet	_____ feet
	Other	(Describe)			

<input type="checkbox"/> Variance – Section 6.3..7.7 (Signs) of the Zoning Bylaw	Attach description of and justification for variance.
<input type="checkbox"/> Appeal of Decision of the Building Commissioner/Zoning Enforcement Officer/Sign Officer	Attach description of and justification for appeal.

DESCRIPTION AND JUSTIFICATION FOR THE PROPOSED REQUEST:

Attach detailed description and justification for request.

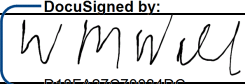
Any additional maps, plans, photographs, deeds, or documents which the Applicant wishes to submit should be enclosed with each copy of this Application.

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The undersigned hereby certify that the information on this Application and plans submitted herewith are correct, and that all applicable provisions of Statutes, Regulations, and Bylaws will be complied with.

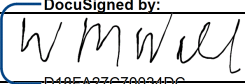
The above is subscribed to and executed by the undersigned under the penalties of perjury in accordance with Section 1-A of Chapter 268, General Laws of the Commonwealth of Massachusetts.

APPLICANT

Date: 11/3/2023	
Name (print) winona wall	Signature  <small>DocuSigned by: D16FA27C70034DC...</small>

OWNER’S KNOWLEDGE AND CONSENT

I hereby assert that I have knowledge of and give my consent to the Application presented above.

Date: 11/3/2023	
Name (print) winona wall	Signature  <small>DocuSigned by: D16FA27C70034DC...</small>

TRUST, CORPORATION OR COMPANY KNOWLEDGE AND CONSENT

Date:	
Name (print)	Signature

2.0 Project Narrative

Existing Conditions

The property is located at 31 Hale Road which is shown on assessors Map U35, Parcel 15A. The property is accessed via the Hale Road right-of-way and is confined by Lake Boon along the entire eastern & western property lines. The parcel contains 20,000 square feet of land area and is located within the Residential Zoning District.

The lot is non-conforming with respect to lot area and frontage and contains an existing, single-family dwelling that is non-conforming with respect to the side yard zoning setback requirement. As such, the lot is considered to be a pre-existing, non-conforming lot and the structure is considered to be a pre-existing, non-conforming structure.

The existing dwelling is listed as a 3-bedroom dwelling with 2,715 square feet of total living area. Access to the dwelling is provided via a concrete driveway and stone walkway. There is also an attached, two-car garage at the terminus of the concrete driveway.

Proposed Conditions

The applicant is proposing to reconstruct the existing porch with a large footprint and to reconfigure the existing walkway adjacent to the driveway. Additionally, the proposed project involves the construction of an uncovered, composite deck on the east side of the dwelling. The screened porch will comply with the required zoning setbacks, but the deck will encroach over the rear yard zoning setback. The net increase in the proposed building area including the screened porch and deck is approximately 280 square feet.

There are no changes proposed to the existing septic system located to the north of the existing dwelling.

The proposed house modifications include the extension and alteration of an existing, non-conforming structure. As the proposed deck will result in an additional non-conformity, the Applicant is requesting a Special Permit pursuant to Section 3.9.7.1(2) of the Stow Zoning Bylaw.

Special Permit Criteria

Section 3.9.7.1 2. of the Zoning Bylaw states the following:

“the proposed alteration, extension or structural change itself does not conform to the requirements of the present Bylaw, and does intensify existing non-conformities or results in additional non-conformities, in which event a Petition for Special Permit must be made to the Board of Appeals, and the Board of Appeals must find that:

- a) there is no substantial increase in the nonconforming nature of said structure; and
- b) such reconstruction, alteration or extension will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

The following is a brief description of the proposed project with respect to each criteria listed above:

“...no substantial increase in the nonconforming nature of said structure”

The screened porch will fully comply with the required zoning setbacks. The proposed deck is designed with approximately 15.2-feet of encroachment over the rear yard zoning setback but does not include any expansion of the existing building foundation. The deck will be supported by sonotubes or helical piles adjacent to the existing patio.

Section 4.4 of the Zoning Bylaw (Table of Dimensional Requirements) does not have a maximum floor area ratio listed for the site. As such, the minor increase in the floor area of the structure does not create a greater non-conformity on the property.

“...not be substantially more detrimental to the neighborhood”

The proposed project does not involve alterations to the bedroom count or access to the property. The proposed renovations to the dwelling will match the existing architectural characteristics of the property and take place entirely within existing disturbed portions of the site. The applicant has been working with Bee Howes Architect to ensure that the proposed dwelling is consistent with other properties on Lake Boon and in the Town of Stow. As the property exists on a peninsula on Lake Boon, the site is directly abutted by only two properties, both located on Hale Road.

Architectural renderings prepared by the Client’s Architect are attached.

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3.0 Abutters List

ABUTTERS LIST
31 HALE RD
MAP U-5 PARCEL 15A

MAP/PARCEL	PROPERTY LOCATION	OWNER NAME 1	OWNER NAME 2	MAILING ADDRESS	CITY	STATE	ZIP CODE	DEED BOOK	DEED PAGE
000U-5 000012	35 HALE RD	HAMMILL GLENN M	HAMMILL CATHERINE J	35 HALE ROAD	STOW	MA	01775	7949	54
000U-5 000016	33 HALE RD	AYLWARD REDMOND P	AYLWARD NOELLE C	33 HALE ROAD	STOW	MA	01775	65640	107
000U-5 000017	23 HALE RD #25	PAYNE, NATHAN	TISNE, SEVERINE	23 HALE RD #25	STOW	MA	01775	56635	417
000U-5 000019	21 HALE RD	KEVIN J TRENHOLME	JOYCE TRENHOLME	21 HALE RD	STOW	MA	01775	59783	407
000U-5 000134	27 HALE RD #29	CUNNINGHAM KEVIN	CUNNINGHAM JENNIFER	27 HALE ROAD	STOW	MA	01775	32597	108
000U-5 00015A	31 HALE RD	WALL, WINONA M.		31 HALE RD	STOW	MA	01775	69894	437

Certified by the Stow Board of Assessors: WALTER FIBER

Date Certified or Re-Certified: 10/13/23

Ft: 300

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Winona Wall

4.0 Record Deed/Assessors Data

Middlesex South Registry of Deeds

Electronically Recorded Document

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Recording Information

Document Number	: 110107
Document Type	: DEED
Recorded Date	: July 19, 2022
Recorded Time	: 02:15:36 PM
Recorded Book and Page	: 80454 / 187
Number of Pages(including cover sheet)	: 6
Receipt Number	: 2834902
Recording Fee (including excise)	: \$6,397.64

MASSACHUSETTS EXCISE TAX
Southern Middlesex District ROD # 001
Date: 07/19/2022 02:15 PM
Ctrl# 362611 17319 Doc# 00110107
Fee: \$6,242.64 Cons: \$1,369,000.00

Middlesex South Registry of Deeds
Maria C. Curtatone, Register
208 Cambridge Street
Cambridge, MA 02141
617-679-6300
www.cambridgedeeds.com

QUITCLAIM DEED

Susan L. Siegel, Adam Siegel and Samantha Siegel, Trustees of the Hale Road Realty Trust u/d/t dated July 24, 2017 and recorded with the South Middlesex County Registry of Deeds in Book 69894, Page 433, having an address of 31 Hale Road, Stow, Massachusetts, ("Grantor"), for consideration paid, and in full consideration of ONE MILLION THREE HUNDRED SIXTY-NINE THOUSAND AND 00/100 (\$1,369,000.00) DOLLARS

grant to **Winona M. Wall**, now of 31 Hale Road, Stow, Middlesex County, MA

with **QUITCLAIM COVENANTS**

First Parcel:

A certain parcel of land with the buildings thereon situated in Stow, Middlesex County, Massachusetts, on Lake Boon and being shown as Lot 3-A on plan entitled "Plan of Land in Stow, Scale: 1" = 20', August 31, 2000, plan by Zanca Land Surveyors, Inc., 270 Main Street, Hudson, MA 01749" recorded with Middlesex County Southern District Registry of Deeds as Plan No. 228 of 2001 in Book 32498, Page 595 being bounded and described as follows:

NORTHERLY: by Lot 2 on said plan, one hundred eighty-nine (189.00) feet;
 EASTERLY: by Lake Boon, one hundred fifty-three (153.00) feet;
 SOUTHERLY: by Lot 4 on said plan, one hundred forty-four (144.00) feet; and
 WESTERLY: by Lake Boon, one hundred sixty-two (162.00) feet.

Subject to reservations for the benefit of Lot 4 and benefit of a right of way over Lots 1 and 2 on said plan and more particularly set forth in a deed recorded with said Registry of Deeds in Book 6896, Page 39.

Second Parcel:

A certain parcel of land shown as Lot B-1 on plan entitled "Plan of Land in Stow, Scale: 1" = 20', August 31, 2000, plan by Zanca Land Surveyors, Inc., 270 Main Street, Hudson, MA 01749" and recorded with Middlesex County Southern District Registry of Deeds as Plan No. 228 of 2001 in

Address: 31 Hale Road, Stow, Massachusetts

Book 32498, Page 595. Containing 2,253 square feet, more or less, according to said plan.

Together with the benefit of right over the Right of Way/Gravel Drive shown on said plan over Lots 1 and 2 and subject to the rights over same to the owner of Lot 4 shown on a plan recorded as Plan No. 702 of 1945.

Subject to possible flowage and other riparian rights in Lake Boone.

Meaning and intending to convey the same premises conveyed to the Grantor by deed recorded with the South Middlesex County Registry of Deeds at Book 69~~44~~⁴⁴, Page 437.

By signing below, Grantors hereby voluntarily release any rights of homestead, if any, that we may have in this property as set forth in M.G.L. c. 188 and state under the penalties of perjury that no other persons are entitled to any rights of homestead in this property other than those executing this deed.

See Death Certificate and Estate Tax Affidavit of Edward A. Siegel recorded herewith.

{Signatures on Following Page}

Executed under seal this 5th day of July, 2022.

Susan L. Siegel
Susan L. Siegel, Trustee

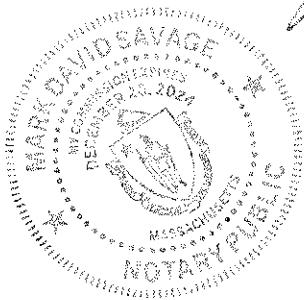
COMMONWEALTH OF MASSACHUSETTS

Suffolk, SS

On this 5th day of July, 2022, before me, the undersigned notary public, personally appeared Susan L. Siegel, proved to me through satisfactory evidence of identification, which was WAK, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose as Trustee of the Hale Road Realty Trust and acknowledged the foregoing to be her free act and deed before me.

[Signature]
Notary Public

My Commission Expires: 12/29/24



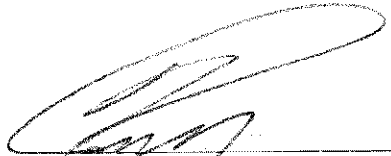
Executed under seal this 15th day of July, 2022.

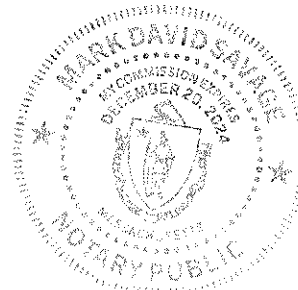

Adam Siegel, Trustee

COMMONWEALTH OF MASSACHUSETTS

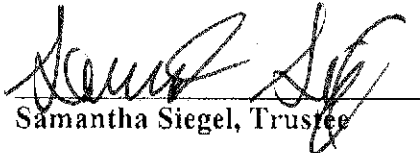
Suffolk, SS

On this 15th day of July, 2022, before me, the undersigned notary public, personally appeared Adam Siegel, proved to me through satisfactory evidence of identification, which was MARK, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as Trustee of the Hale Road Realty Trust and acknowledged the foregoing to be his free act and deed before me.


Notary Public
My Commission Expires: 02/20/24



Executed under seal this 14 day of July, 2022.


Samantha Siegel, Trustee

COMMONWEALTH OF ~~PENNSYLVANIA~~

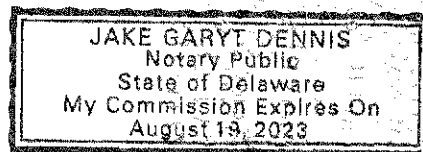
County of New Castle, ss

Delaware

On this 14th day of July, 2022, before me, the undersigned notary public, personally appeared Samantha Siegel, proved to me through satisfactory evidence of identification, which was PA driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose as Trustee of the Hale Road Realty Trust and acknowledged the foregoing to be her free act and deed before me.


Notary Public
My Commission Expires:

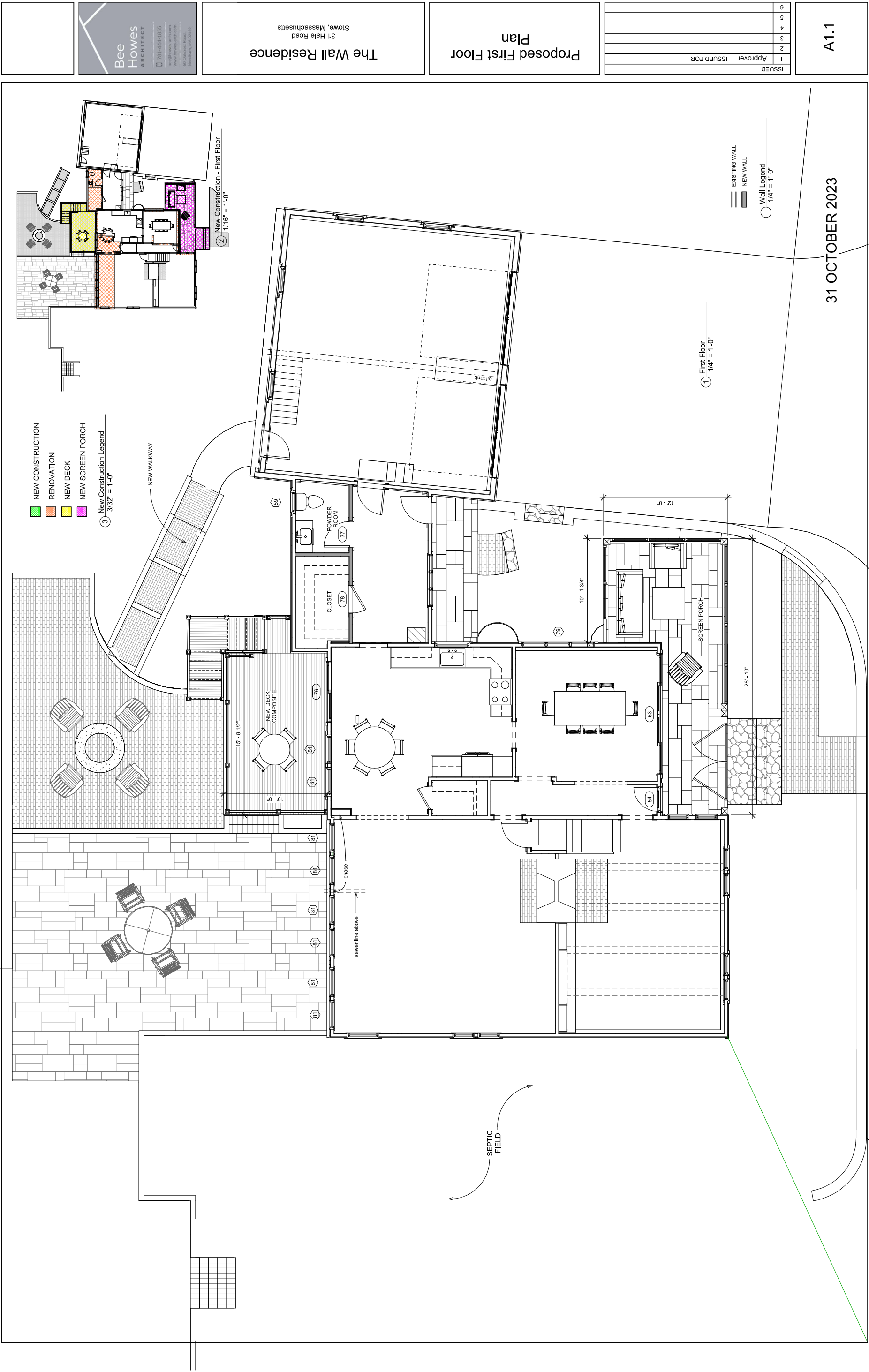
August 19, 2023



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Winona Wall

5.0 Architectural Plans



2 SEPTEMBER 2023

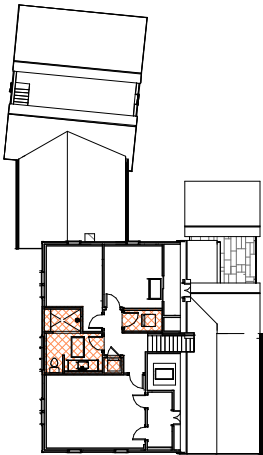
A1.2

ISSUED		1	Approver	ISSUED FOR	
6		2			
5		3			
4		4			
3		5			
2		6			

Proposed Second Floor Plan

The Wall Residence
31 Hale Road
Stowe, Massachusetts

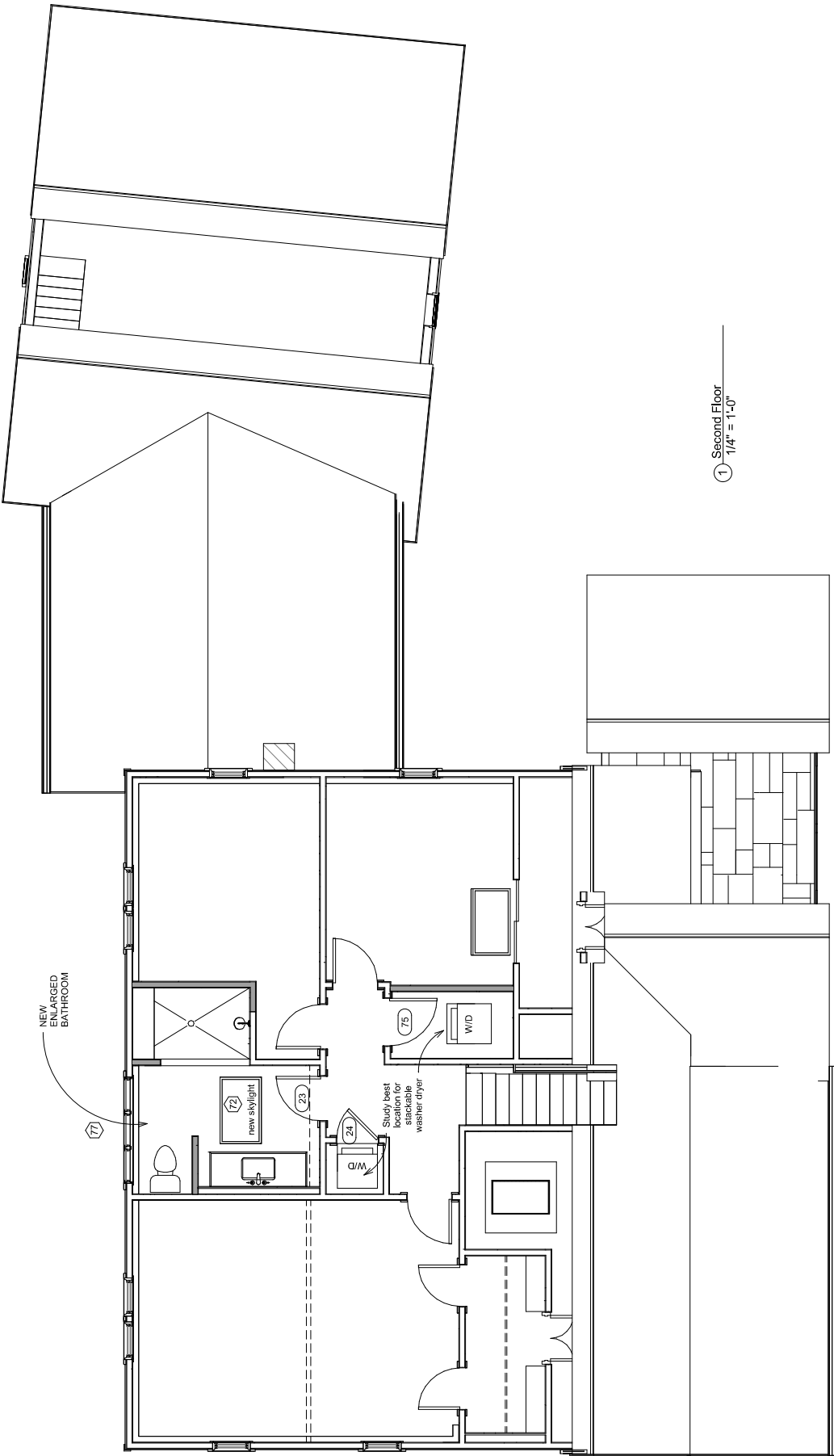
Bee
Howes
ARCHITECT
781-444-1855
beehowesarch.com
www.beehowesarch.com
20 Colman Avenue
Stowe, VT 05672



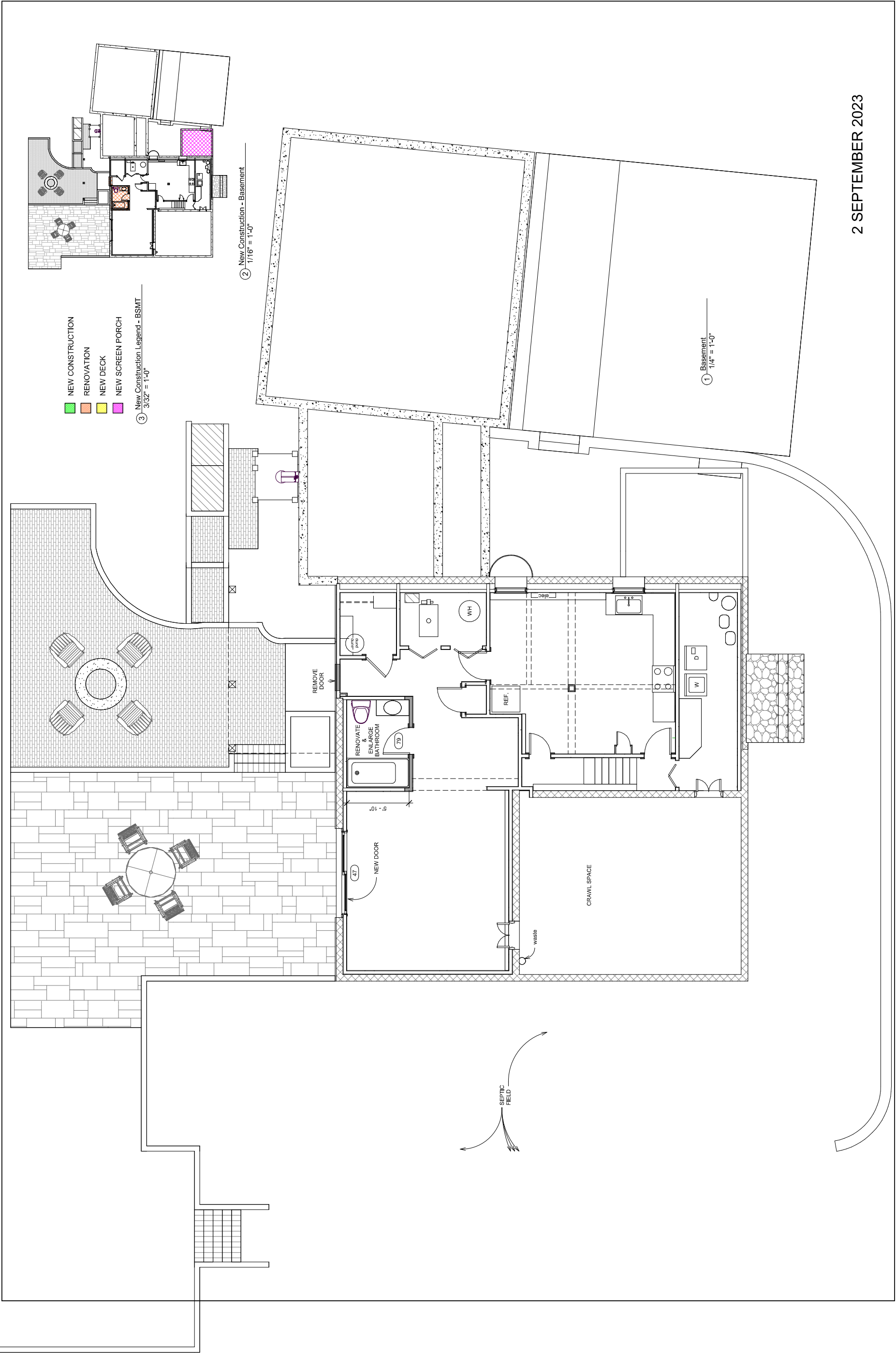
NEW CONSTRUCTION
RENOVATION

③ New Construction Legend - 2ND FLR
3/32" = 1'-0"

② New Construction - Second Floor
1/16" = 1'-0"



① Second Floor
1/4" = 1'-0"



2 SEPTEMBER 2023

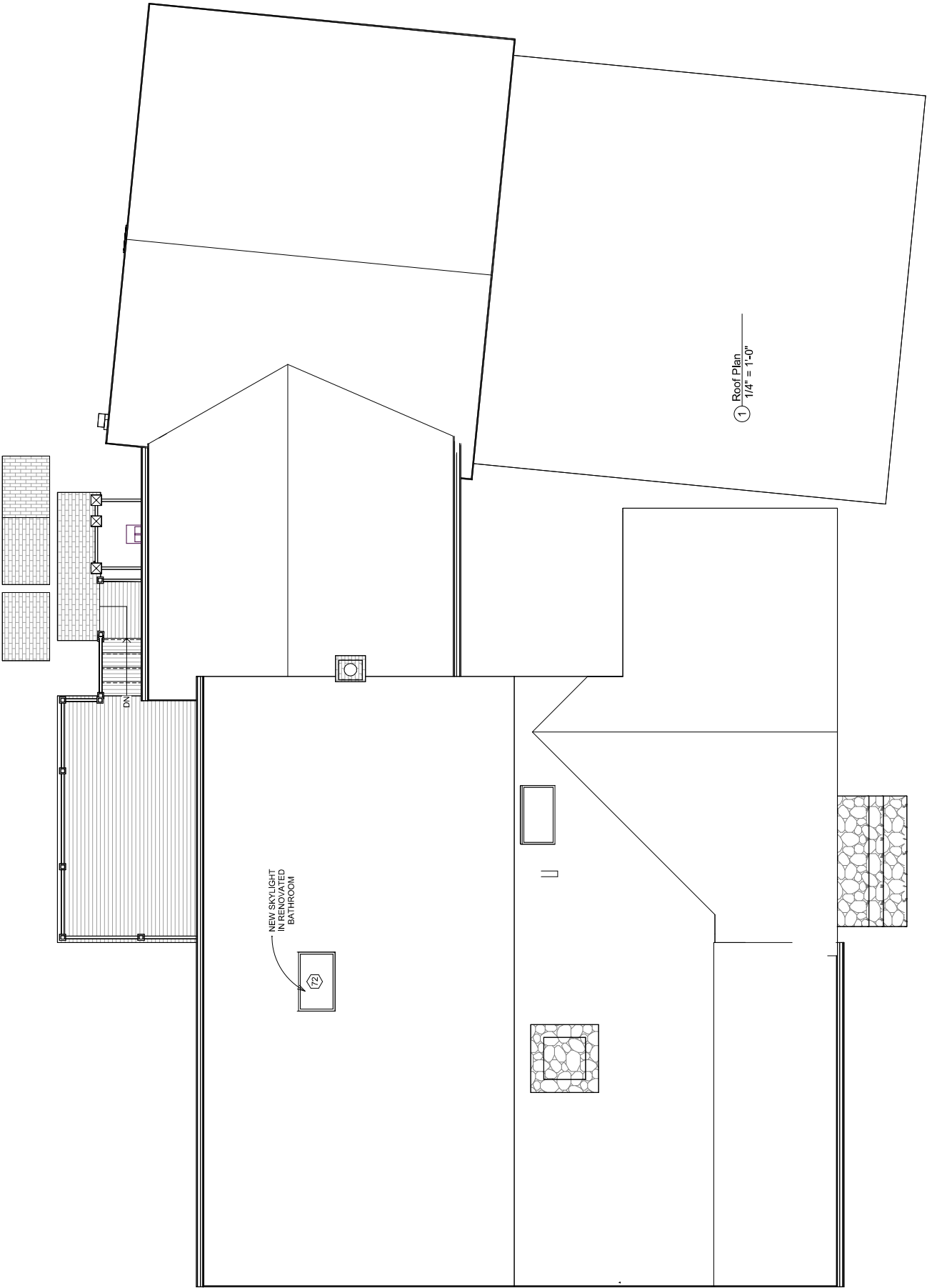
A1.4

ISSUED	1	Approver	ISSUED FOR	
	2			
	3			
	4			
	5			
	6			

Proposed Roof Plan

The Wall Residence
31 Hale Road
Stowe, Massachusetts

Bee
Howes
ARCHITECT
781-444-1855
beehowesarch.com
www.beehowesarch.com
60 Oakmont Road
Stowe, VT 05672



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6.0 Site Plan
